

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ADAM JAY STONE,	)	Case No. 1:21-cv-01461-DAD-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING PLAINTIFF’S MOTION
v.	)	REQUESTING IDENTIFY OF TWO JOHN DOES
	)	
C. PFIEFFER,	)	(ECF No. 36)
	)	
Defendant.	)	
	)	

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Plaintiff Adam Jay Stone is proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion requesting the identify of two John Does, filed July 1, 2022. Plaintiff’s motion must be denied.

This action is proceeding against Defendants B. Gonzales, G. Morales, K. Gonzales, and Anderson for excessive force in violation of the Eighth Amendment. The current motion is directed to the “Office Of The Attorney General” and requests disclosure of the identity of John Does “who illegal beat Stone of 11th May, 2020, while Stone was handcuffed.” (ECF No. 36.)

The discovery phase of this litigation is not yet open. Plaintiff is directed to paragraph seven of the Court’s first information order, filed September 30, 2021. In that order, Plaintiff was

1 specifically informed that he may not conduct discovery until Defendants file an answer and the Court  
2 issues the discovery order. (ECF No. 3.) Accordingly, Defendants are under no obligation to respond  
3 to Plaintiff's discovery requests at this juncture.

4 In addition, once discovery is open, court permission is not necessary for discovery requests.  
5 Discovery is self-executing until such time as a party becomes dissatisfied with a response and seeks  
6 relief from the Court pursuant to the Federal Rules of Civil Procedure. Interrogatories, requests for  
7 admission, requests for production of documents, and responses thereto shall not be filed with the  
8 court until there is a proceeding in which the document or proof of service is at issue. Such documents  
9 are to be served on the opposing party, and not with the Court. Local Rule 33-250. Discovery  
10 requests improperly filed with the Court shall be stricken from the record. Accordingly, Plaintiff's  
11 motion filed on July 1, 2022, is DENIED.

12  
13 IT IS SO ORDERED.

14 Dated: July 5, 2022



UNITED STATES MAGISTRATE JUDGE